

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

This matter is before the court on filing no. 32, the Order to Show Cause filed by the court on May 24, 2005 (filing no. 32). In filing no. 32, I noted that the plaintiff, James Stafford, had failed to appear by telephone at the Rule 16 conference scheduled for May 23, 2005. In addition, Mr. Stafford had failed to notify the court of a telephone number where he could be reached, and the court and counsel for the defendant had been unable to reach him.

Mr. Stafford subsequently telephoned the court and explained to my Judicial Assistant that he cannot read or write, and that he must wait for his niece to read documents to him. Mr. Stafford gave his telephone number as 843-623-6602.

**IT IS THEREFORE ORDERED:**

1. That the plaintiff has adequately shown cause in compliance with filing no. 32;
2. That the Clerk of Court shall update the court's records to include the plaintiff's telephone number;
3. That a Rule 16 planning conference with the undersigned magistrate judge will be held **by telephone on Thursday, July 14, 2005, at 3:30 p.m.** for the purpose of reviewing the preparation of the case to date and the scheduling of the case to trial;
4. That the court requests that defendant's counsel, Gail S. Perry, contact the plaintiff in advance and arrange to initiate the conference call, and that Gail S. Perry place the conference call to the plaintiff at 843-623-6602 and to the court at 402-661-7340; and
5. That if, prior to the telephone conference, the plaintiff's telephone number

changes or the plaintiff will not be available at the scheduled date and time to participate in the conference call, the plaintiff must notify defendant's counsel and the court at least one business day in advance of the conference call; failure to comply with that requirement may subject the plaintiff to dismissal of the above-entitled case for failure to prosecute the action with diligence.

DATED this 13<sup>th</sup> day of June, 2005.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge